

**PLANNING AND ZONING BOARD
MARCH 14, 2001**

1. ROLL CALL

The meeting was called to order at 7:30 p.m. Board members present were Chair George Greb, Vice-Chair Jay Stahl, Larry Davis, and Edna Moore. Also present were Town Counsel A. Thomas Connick, Planning and Zoning Manager Jeff Katims, Planner Chris Gratz and Board Secretary Janet Gale recording the meeting.

2. APPROVAL OF MINUTES: February 14, 2001

Vice-Chair Stahl made a motion, seconded by Mr. Davis, to approve the minutes of February 14, 2001. In a voice vote, all voted in favor. **(Motion carried 4-0)**

3. PUBLIC HEARINGS

Chair Greb advised that there were requests to table three items and he asked for a motion to take these items out of order.

Mr. Davis made a motion, seconded by Vice-Chair Stahl, to take these three items out of order. In a voice vote, all voted in favor.

3.1 ZB 1-1-01, Crown Castle/AMF Bowling Centers, Inc., 8200 West State Road 84 (from B-2A, Old Code to B-2) (tabled from February 14, 2001)

Chair Greb requested an explanation from staff for this tabling. Mr. Gratz advised that since there were significant changes to the plans, a petition with over 200 signatures opposed to the project had been received, and due to protests from the abutting neighbors, the petitioner needed time to set up meetings with residents in an effort to "hammer out" a suitable plan before bringing it to the Board.

Mr. Davis made a motion, seconded by Edna Moore, to table to March 28, 2001. In a voice vote, all voted in favor. **(Motion carried 4-0)**

3.6 V 1-3-01, The Costoya Group, Inc./Carmco Inc., 3500 SW 130 Avenue (R-1)

Mr. Gratz stated that the applicant had requested a tabling to March 28th.

Ms. Moore made a motion, seconded by Mr. Davis, to table to March 28, 2001. In a voice vote, all voted in favor. **(Motion carried 4-0)**

3.8 SE 1-2-01, Crown Castle/AMF Bowling Centers, Inc., 8200 West State Road 84 (B-2)

Chair Greb explained that this request for tabling was for the same reasons as indicated for Item 3.1.

Vice-Chair Stahl made a motion, seconded by Mr. Davis, to table to March 28, 2001. In a voice vote, all voted in favor. **(Motion carried 4-0)**

3.2 ZB 1-3-01, Phoenix III Corporation/Speyer, 5401 SW 82 Avenue (from A-1 to R-3)

Ms. Moore advised that she would abstain from voting on this item as she was the real estate broker representing the seller of the subject property.

John Caposi, representing the petitioner, requested that this item be moved to later in the agenda as Bill Laystrom, a co-petitioner, was not yet present.

Mr. Davis made a motion, seconded by Vice-Chair Stahl, to move this item to the end of the agenda. In a voice vote, all voted in favor. **(Motion carried 4-0)**

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3.3 ZB 1-4-01, Laystrom/Curcie, 5990 SW 82 Avenue (from A-1 to B-2)

3.4 ZB 1-5-01, Laystrom/Farias & Geiserman, 5850 SW 82 Avenue (from A-1 to B-2)

Chair Greb noted that since these two items would be presented by Mr. Laystrom who was not yet present, a motion was needed to have these items moved to the end of the agenda.

Vice-Chair Stahl made a motion, seconded by Ms. Moore, to move these two items to the end of the agenda. In a voice vote, all voted in favor. **(Motion carried 4-0)**

3.5 V 1-2-01, Mellgren/Forman and Forman, Trustees, 6405 Nova Drive (M-4, County)
(tabled from February 28, 2001)

Michele Mellgren and Eric Chessler, representing the petitioner, were present. Ms. Mellgren reminded the Board that at the last meeting, the issue of the amount of required open space had been discussed and that subsequently, Town Attorney Monroe Kiar had prepared a memorandum in which he had advised that a variance request was necessary. Mr. Connick clarified the memorandum and indicated that this project was operating under the annexation agreement as it had existed in 1985, which required that 30% open space be dedicated instead of 25%.

Mr. Davis requested a five-minute recess in order to read the memorandum.

A recess was taken from 7:38 p.m. to 7:44 p.m., when the meeting was resumed.

Mr. Davis requested further clarification as to why it had been decided that 30% open space was required as opposed to 25%. Mr. Connick provided a brief history and an explanation that subsequent to 1985, the Code requirement was reduced to 25%; however, this application was operating at the standard set in 1985 which was 30%.

Mr. Gratz read the planning report (Planning and Zoning Division's recommendation: denial).

Ms. Mellgren provided a presentation in which she reiterated the positive aspects of the project as well as the need to develop the outparcel. She explained the constraints which mandated that a reduction in open space was the only feasible economical solution in order for this project to be successful for the petitioner.

A lengthy discussion ensued in which Ms. Mellgren and Mr. Chessler answered questions in an attempt to provide more information and better explanations of their prospective on parking issues and open space requirements. Ms. Mellgren stated that this plan was the maximum site utilization that was necessary in order to make it work and that the petitioner would not be interested in making further adjustments as the project would not work. Vice-Chair Stahl indicated that it was his belief that the green space provision was developed in an effort to address drainage concerns. Ms. Mellgren explained that drainage concerns were met due to the location of the lake behind the proposed Publix which would be utilized for storm water retention.

Chair Greb asked if anyone wanted to speak for or against this item.

Norm Blanco, 2080 SW 72 Avenue, spoke in favor of waiving the green space requirement and approving the Publix project. Mr. Blanco stated that it was very unusual to get residential approval of development, however, in this case, everyone he had spoken with wanted this project developed. He requested that the Board consider the needs of the residents.

Chair Greb closed the public hearing.

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Ms. Mellgren indicated that she had researched other developments in the vicinity to determine what percentage of open space had been dedicated. She reported the comparison, stating which ones met the Code and which ones were well below Code requirements. Discussions continued with the Board debating the issues and expressing their opinions. Chair Greb proposed that Publix consider additional landscaping over and above the Code requirements in order to enhance the project and serve as a compromise for the reduction of green space. Discussions continued regarding the parking requirements and green space requirements. Ms. Mellgren suggested a continuation of the streetscape plan as was provided on Davie Road to be installed on Nova Drive. The idea was discussed at length with the petitioner agreeing to commit to installing Royal palm trees along the southern property line from Davie Road to the western termination of the property. Ms. Mellgren provided a site plan in order to clarify the landscape plan and to indicate where the proposed Royal palm trees would be installed.

During the discussion, Mr. Davis expressed his dissatisfaction in not being provided with the Forman Agreement. He indicated that not being able to read the agreement impaired his ability to make an informed opinion. Mr. Davis requested further clarification on a portion of the Town Attorney's memorandum to which Mr. Connick provided.

Ms. Moore made a motion, seconded by Vice-Chair Stahl, to approve the variance with the applicant voluntarily agreeing to install Royal palm trees as a streetscape improvement, with the trees being the same height as was installed on Davie Road (at time of installation), to be placed along Nova Drive on the frontage of the applicant's property from the corner of Davie Road to the most western end of the property, that the trees be spaced the same distance from each other as was done on Davie Road; and that this streetscaping project would be in addition to the landscape plan which had been presented to the Site Plan Committee. In a roll call vote, the vote was as follows: Chair Greb - yes; Vice-Chair Stahl - yes; Mr. Davis - no; Ms. Moore - yes. **(Motion carried 3-1)**

3.7 V 1-4-01, Sever/Sever, 6650 SW 48 Street (RM-10)

Mark Sever, representing the petitioner, was present. Mr. Gratz read the planning report (Planning and Zoning Division's recommendation: approval).

Mr. Sever stated that this variance was approved on July 7, 1999; however, the one year time limit had expired. Chair Greb questioned why Mr. Sever would let this expire. Mr. Sever replied that he was busy with other projects, however, he now had the time to devote to this project.

Chair Greb asked if anyone would like to speak for or against this item. As no one spoke, Chair Greb closed the public hearing.

Mr. Davis made a motion, seconded by Vice-Chair Stahl, to approve. In a roll call vote, the vote was as follows: Chair Greb - yes; Vice-Chair Stahl - yes; Mr. Davis - yes; Ms. Moore - yes. **(Motion carried 4-0)**

3.2 ZB 1-3-01, Phoenix III Corporation/Speyer, 5401 SW 82 Avenue (from A-1 to R-3)

John Voit, Bill Laystrom and John Caposi, representing the petitioner, were present. Mr. Voit told where the site was located. Mr. Gratz read the planning report (Planning and Zoning Division's recommendation: approval).

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Chair Greb inquired if this item was denied by Broward County. Mr. Laystrom responded that it had been denied by Council; however, it was now being proposed as the land use allowed, which was what Council had requested.

Chair Greb asked if anyone wished to speak for or against this item. As no one spoke, Chair Greb closed the public hearing.

Vice-Chair Stahl made a motion, seconded by Mr. Davis, to approve. In a roll call vote, the vote was as follows: Chair Greb - yes; Vice-Chair Stahl - yes; Mr. Davis - yes; Ms. Moore - abstained. **(Motion carried 3-0 with Ms. Moore abstaining)**

3.3 ZB 1-4-01, Laystrom/Curcie, 5990 SW 82 Avenue (from A-1 to B-2)

Mr. Laystrom, the petitioner, was present. Mr. Gratz read the planning report (Planning and Zoning Division's recommendation: approval).

Mr. Laystrom indicated that this project was to provide cross access with the Home Depot and the University Creek Shopping Center. He assured that there would be no access to SW 82 Avenue and cited the various reasons why.

Mr. Davis inquired on the square footage of the Home Depot building. Mr. Laystrom responded that including the garden center, it was approximately 140,000 square feet. Chair Greb asked if there would be further variances regarding open space requirements. Mr. Laystrom responded that due to powerlines located on the site, he was limited in utilizing much of the space and, therefore, were above the open space requirements.

Chair Greb asked if anyone would like to speak for or against this item. As no one spoke, Chair Greb closed the public hearing.

Mr. Davis made a motion, seconded by Vice-Chair Stahl, to approve. In a roll call vote, the vote was as follows: Chair Greb - yes; Vice-Chair Stahl - yes; Mr. Davis - yes; Ms. Moore - yes. **(Motion carried 4-0)**

3.4 ZB 1-5-01, Laystrom/Farias & Geiserman, 5850 SW 82 Avenue (from A-1 to B-2)

Mr. Laystrom, the petitioner, was present. Mr. Gratz summarized the planning report (Planning and Zoning Division's recommendation: approval).

Chair Greb asked if anyone would like to speak for or against this item. As no one spoke, Chair Greb closed the public hearing.

Mr. Davis commented on a letter dated January 31, 2001 and asked if the title agreement had been prepared and submitted. Mr. Laystrom replied affirmatively and indicated that Mr. Gratz had a copy. Mr. Connick reviewed the Developmental Unity of Title Agreement and agreed that it looked fine.

Vice-Chair Stahl made a motion, seconded by Ms. Moore, to approve with the inclusion of the Developmental Unity of Title Agreement as reviewed by Board Attorney A. Thomas Connick. In a roll call vote, the vote was as follows: Chair Greb - yes; Vice-Chair Stahl - yes; Mr. Davis - yes; Ms. Moore - yes. **(Motion carried 4-0)**

4. OLD BUSINESS

There was no old business discussed.

5. NEW BUSINESS

Mr. Gratz distributed an ordinance which amended the Code of Ordinances and in which several small errors were noted. He indicated that he was bringing this to the Boards attention so that it may be corrected in order to avoid delays in a variance application.

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Mr. Gratz explained the text changes. Mr. Davis noted an inaccuracy in the ordinance and Mr. Gratz agreed that staff was aware of the typo and that it would be corrected.

Mr. Davis made a motion, seconded by Ms. Moore, to approve. In a voice vote, all voted in favor. **(Motion carried 4-0)**

6. COMMENTS AND/OR SUGGESTIONS

Vice-Chair Stahl commented that the minutes from the last meeting were very good and quite thorough.

Mr. Davis reiterated his disappointment in not having received a copy of an agreement that he had requested from staff two weeks ago. Mr. Gratz responded that the agreement consisted of photostatic copies within binders and would be difficult to compile. He indicated that the pertinent parts which applied to the issue were included in Mr. Kiar's memorandum. Mr. Davis stated that he would still like to have a copy of the agreement.

7. ADJOURNMENT

There being no further business and no objections, the meeting was adjourned at 9:30 p.m.

Date Approved: _____

Chair/Committee Member